

CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT)

Executive Planning Committee
Thursday, November 13, 2003
Stephen P. Clark Center
111 NW 1st Street
10th Floor Conference Room
10:00 am

Summary of Minutes

CITT MEMBERS:

Hon. John F. Cosgrove, Chair
Marc Buoniconti, Vice-Chair
Henry Lee Givens
Hon. Luis C. Morse
Theodore Wilde

COUNTY ATTORNEY:

Bruce Libhaber

OTHERS PRESENT:

Dr. Carlos Bonzon, Surface Transportation Manager
Joanna Santiago, CITT
Patty David, CITT
Jose Galan, Public Works Dept.
David Tinder, Public Works Dept.
Marlene Amaro, CITT
Jack Furney, CITT
John Prats, CITT
Dan Ricker, Watchdog
Patrice Rosemond, CITT
Virginia Diaz, CITT

ROLL CALL

With a quorum being present, Mr. Cosgrove, Chairman, called the Executive Planning Committee meeting to order at 10:10 a.m.

APPROVAL OF MINUTES

BUSINESS/DISCUSSIONS

COMMITTEE REPORTS

Chairman's Report – Hon John F. Cosgrove

Mr. Cosgrove stated that Robert Cuevas, Assistant County Attorney had sent out an email regarding "Government-in-the-Sunshine Law". He asked the members to direct any request through the Secretariat to place a written report on the agenda for an upcoming meeting. In addition, Bruce Libhaber, Assistant County Attorney added that the Secretariat's office needs to keep a record of all correspondence relating to CITT, particularly from county departments and staff to CITT as it relates to CITT issues. If a meeting is not publicly noticed only one member can attend, otherwise it would be advisable to notify the Secretariat 24 hours in advance to notice the meeting.

Mr. Givens asked the County Attorney when a meeting is publicly noticed and you have more than one CITT members present are there any restrictions on what can be discussed. Mr. Libhaber responded that the members could communicate with each other, as long as at a publicly noticed meeting however, they cannot discuss any CITT business.

Mr. Cosgrove asked staff to work with the County Attorney to draft some responses to the issues and concerns raised by the members. (10 questions and answers along with short hypothetical situations).

External Affairs – Hon. Luis C. Morse

The committee approved a resolution commended Virginia Diaz and staff for their work during the PTP Transportation Conference, Saturday, November 8, 2003. Press releases have been done for all CITT meetings, current activities, and any action or decisions made by the CITT to keep the public informed. At the last CITT meeting, the members were given a list of transportation conferences and a list of transportation publications. The members need to advise staff of their preferences. However, everything is on hold until a budget has been received and approved. In addition, the committee will be presenting a resolution to the CITT for consideration in support of the revocation of the bullet train that may have a financial impact to Miami Dade County. Virginia Diaz added that she would invite a representative from Florida Department of Transportation (FDOT) and the Miami-Dade County Office of Intergovernmental Affairs to speak at the CITT meeting regarding its position on the issue.

Mr. Cosgrove noted that for the upcoming year he asked staff to identify conferences on a local, state, and national level where CITT should be represented. One or two members would represent the Trust and bring back any information relevant.

Dr. Bonzon stated that he encourages members to attend the American Public Transportation Association meetings.

Mr. Wilde asked which committee is responsible for working with the Municipalities. Mr. Cosgrove responded that the Project Review review the project component, but the Compliance and Oversight Committee needs to make sure they are in compliance according to the Ordinance. Mr. Cosgrove thanked the staff for a very informative Municipality Workshop held 11/12/03; it was very well organized and attended. He emphasized the CITT's responsibility is to oversee that the cities are spending their portion of the surtax funds appropriately. The Trust can recommend to the Board of County Commissioner to withhold future funds to those cities that do not comply, but the decision is ultimately up to the BCC. Dr. Bonzon stated that he supports the municipalities that want to accelerate projects, however they need to reimburse the PTP, such as the Public Works department utilizing impact fees. Mr. Givens said that the public needs to be informed that Miami-Dade County will be placing new bus shelters in unincorporated areas only and the municipalities are responsible for their cities. He feels that the CITT may be criticized because some bus shelters in some areas are terrible. Mr. Clinton Forbes, MDT stated that the municipalities could piggyback with Miami Dade County contract. A letter has been sent to all the municipalities inviting them to participate.

Compliance and Oversight Committee – Henry Lee Givens

The committee met on and reviewed and approved the Penske Contract to be forwarded to the Project Review and the Budget and Finance Committees for consideration. It was also suggested to staff to separate the contract according to each committee's responsibilities, for example Budget and Finance would review only budget issues. He will be meeting with Kathy Lewis regarding land acquisition and will report back to the committee.

Budget and Finance Committee – Theodore Wilde

The committee has not met since the last CITT meeting, October 29, 2003.

BUDGET ISSUES

Mr. Cosgrove stated that no contracts would be approved by the CITT until the pro forma has been provided. The County Manager said he would present the pro forma once he feels it is complete. Mr. Cosgrove said he appointed Mike Abrams, Chair of the Selection Committee for a Financial Services Consultant, along with Thamara Labrousse, Theodore Wilde, Marc Buoniconti, and Henry Lee Givens. He directed the Interim Secretariat to set up the meeting as soon as possible and would like a report from the Selection Committee before

Thanksgiving. The Manager has indicated that he would support any CITT recommendation.

Jack Furney noted that a list of 8 firms within the pool was distributed as well as a draft of the scope of services was distributed. Dr. Bonzon said the staff from the Financial Management Firm will be finalizing the 30-year pro forma. In addition, a five-year plan will also be provided. The Manager will announce the Executive Director on November 14, 2003. Mr. Cosgrove expressed his gratitude to Nestor Toledo, Interim Secretariat and all the staff for a job well done.

BYLAWS

Mr. Cosgrove asked the members to review the Bylaws/flow chart and the Checklist for any additions or deletions.

Mr. Morse asked the county attorney for a clarification, it was his understanding that a non-PTP issue brought before the CITT for approval and then forwarded to the BCC for approval, if the CITT did not approve an item the BCC could override the vote. However, if the CITT takes no action the BCC cannot override because a vote was not taken.

Mr. Libhaber responded that if the CITT receives an item and take no action it can be deemed as disapproval. It could come to point where a refusal by the CITT to take up an action may be deemed as disapproval. A challenge could result.

Mr. Cosgrove stated that a failure to act might result in a court action requiring to act because your authority said you should, but in and of itself without a vote or action there is not a vote.

Dan Ricker, Watchdog reporter asked if the BCC could override a CITT vote. Mr. Cosgrove said by a 2/3 majority vote.

Mr. Cosgrove informed the members that the County Manager has requested that meetings scheduled in County facilities located downtown be postponed or relocated from November 17 to November 21, during the Free Trade Area of the Americas (FTAA) conference. He recommended rescheduling the CITT meeting, November 19 to December 3 at 10:30 at the Miami City Commission Chambers. In addition, a Budget Workshop immediately following the CITT meeting will begin at 12:30 p.m. to review the 30-year pro forma. The regular scheduled CITT meeting scheduled for 12/17/03 will also take place.

Mr. Toledo stated that a representative from a private company "Diamond" requested to make a presentation at the next CITT meeting. Mr. Cosgrove asked staff to develop a form to determine which committee is appropriate. Also,

presentations need to be limited to 2 minutes. Mr. Cosgrove asked Mr. Toledo to review the request and recommend it to the appropriate committee chair.

PENSKE

Mr. Cosgrove stated that no action would be taken on any contracts until the 30-year pro forma has been received. The Penske contract has many unanswered questions and it is not a time sensitive item.

Mr. Wilde said that the "Bus Service Improvements" is a time sensitive item, which has an \$800,000 financial impact. MDT has stated that it is included in the budget. Mr. Cosgrove said he informed MDT that the EPC committee was meeting and if the issue were an emergency it could be addressed, however no one from MDT is present.

OTHER ISSUES

Mr. Cosgrove said that the Florida Department of Transportation Secretary, Jose Abreu, requested to meet with the CITT. Mr. Toledo responded that he would be attending the January 28, 2004 meeting. The MPO will also be providing a presentation on the Transit Corridors 12/3/03. In addition, Mr. Cosgrove asked staff that a union representative make a presentation for the December 17, 2003 meeting for approximately 5-7 minutes or Hue Benitez from the Office of Procurement regarding the county procurement process.

Mr. Jose Galan mentioned that the Public Works Department 2-year plan is an action item on the PRC meeting 12/3/03 and then will be forwarded to the Budget and Finance Committee then to the full CITT meeting 12/17/03.

Mr. Morse asked what was the status on the letter from the Chairman to the BCC regarding the East/West Corridors. The External Affairs presented a resolution to the full CITT and it was recommended that a letter be sent instead. Mr. Cosgrove asked staff to prepare the letter for his approval.

Mr. Wilde announced that a Budget and Finance Committee meeting would meet Monday, November 24, 2003.

Mr. Ricker asked the county attorney if contractors or citizens making a pitch to the CITT need to register with Miami Dade as a lobbyist. Mr. Libhaber responded that he would need to review.

APPROVAL OF MINUTES – OCTOBER 21, 2003

Mr. Cosgrove requested a motion to approve the October 21, 2003. Mr. Buoniconti moved approval adding the presence of the county attorney, Bruce Libhaber and Dr. Carlos Bonzon, seconded by Mr. Givens and carried without dissent.

ADJOURNMENT

There being no further business the meeting adjourned at 12:10 p.m.